

**REMARKS/ARGUMENTS**

In view of the foregoing amendments and the following remarks, the applicants respectfully submit that the pending claims are not anticipated under 35 U.S.C. § 102 and are not rendered obvious under 35 U.S.C. § 103. Accordingly, it is believed that this application is in condition for allowance. ~~If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, the applicants respectfully request that the Examiner contact the undersigned to schedule a telephone Examiner Interview before any further actions on the merits.~~

The applicants will now address each of the issues raised in the outstanding Office Action.

**Rejections under 35 U.S.C. § 102**

Claims 1, 3, 4, 6-8, 12-14, 17, 19, 21, 22, 24-26 and 28-32 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/C049375 ("the Strommer publication"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Since claims 1, 3, 4, 6-8, 12-14, 17, 21 and 28 have been canceled, this ground of rejection is rendered moot with respect to these claims.

Independent claim 19 has been amended to include recitations from dependent claims 21 (now canceled) and 28 (now canceled). Independent claim 19, as amended, is not anticipated by the Strommer publication because the Strommer publication does not teach an ultrasonic diagnostic apparatus comprising display control means for displaying the auxiliary image and a tomographic image corresponding to the auxiliary image so as to compare them, wherein the auxiliary image creating means creates the auxiliary image including a plurality of two-dimensional anisotropic ultrasonic image markers arranged along the movement path of the ultrasonic transducer, each of the markers expressing a position and direction of a scan plane of the ultrasonic transducer when the tomographic image is obtained, and wherein the auxiliary image creating means further makes a display form of the ultrasonic image marker corresponding to the tomographic image displayed for comparison among the plural ultrasonic image markers different from a display form of the other ultrasonic image markers. Support for the amendment to claim 19 is provided, for example, by claims 21 and 28, Figures 23-25, and the corresponding description of the specification.

Nowhere does the Strommer publication disclose the display means and the ultrasonic image markers created by the auxiliary image creating means as recited in amended claim 19. In addition, the inventive features recited in claim 19, as amended, can advantageously allow an operator to easily recognize which part of a body is being scanned to obtain the ultrasonic image being currently displayed on the screen. (See Figs. 24 and 25,

page 72, lines 3-12 and page 76, lines 1-14 of the present application.)

Moreover, the inventive features recited in claim 19, as amended, such as the display control means and the ultrasonic image markers created by the auxiliary image creating means, can achieve the advantage that even when a tomographic image (e.g., an ultrasonic image) is rotated according to the rotation of the scan plane, the corresponding relationship between the image and the scan plan can be easily recognized. On the other hand, the display form illustrated in Figures 17 and 20 of the Strommer publication at best allows historically specifying (the trajectory including) the position and direction of the surgical treatment tool. (See, e.g., Figure 17 and paragraph [0248] of the Strommer publication.) The Strommer publication disclose does not display control means and ultrasonic image markers with such functionality as recited in amended claim 19.

Finally, regarding independent claim 19, the Examiner asserts that "Strommer teaches the auxiliary image creating means [starting point] (Page 21, Para 0285-0292)." (Paper No. 200812007, page 4) The Examiner had alleged that paragraph [0247] and element 95 of Figure 25A teach the features of claims 21 and 28 (now canceled).. The applicants respectfully disagree. Specifically, Figs. 25A - 25D and paragraphs [0285]-[0292] of the Strommer publication merely **illustrate** and disclose **how to** reconstruct the three dimensional image 950 of inspected organ 474 (Fig. 15A) from two-dimensional images of a scanning probe within a body cavity. More specifically, although Figs. 25A-25D

**illustrate how to** reconstruct a three-dimensional image of a vessel from two-dimensional images acquired by a scanning probe, **these illustrations are not intended to be displayed.** Thus, the Strommer publication clearly does not teach display control means for displaying the auxiliary image and a tomographic image corresponding to the auxiliary image so as to compare them.

Accordingly, claim 19, as amended, is not anticipated by the Strommer publication for at least the foregoing reasons. Since claims 22, 24-26 and 29-32 directly or indirectly depend from claim 19, these claims are similarly not anticipated by the Strommer publication.

#### Rejections under 35 U.S.C. § 103

Claims 15, 16 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Strommer publication, and further in view of U.S. Patent No. 5,680,865 ("the Tanaka patent"). Since claims 15, 16 and 18 have been canceled, this ground of rejection is rendered moot.

#### Conclusion


In view of the foregoing amendments and remarks, the applicants respectfully submit that the pending claims are in condition for allowance. Accordingly, the applicants request that the Examiner pass this application to issue.

Any arguments made in this amendment pertain **only** to the specific aspects of the invention **claimed**. Any claim amendments or cancellations, and any arguments, are made **without prejudice to, or disclaimer of**, the applicants right to seek patent protection of any unclaimed (e.g., narrower, broader, different) subject matter, such as by way of a continuation or divisional patent application for example.

Since the applicants' remarks, amendments, and/or filings with respect to the Examiner's objections and/or rejections are sufficient to overcome these objections and/or rejections, the applicants' silence as to assertions by the Examiner in the Office Action and/or to certain facts or conclusions that may be implied by objections and/or rejections in the Office Action (such as, for example, whether a reference constitutes prior art, whether references have been properly combined or modified, whether dependent claims are separately patentable, etc.) is not a concession by the applicants that such assertions and/or implications are accurate, and that all requirements for an objection and/or a rejection have been met. Thus, the applicants reserve the right to analyze and dispute any such assertions and implications in the future.

Respectfully submitted,

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